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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALEXANDER PRESNIAKOV,

Plaintiff,

No. C 04-00831 JSW

v.

**ORDER DIRECTING COUNSEL  
TO SELF-REPORT**

RETAIL DISTRIBUTORS LLC, et al.,

Defendants.

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On December 11, 2008, this Court issued an Order setting a status conference for January 23, 2009. On January 22, 2009, the Court received the parties' stipulation to continue the status conference from January 23, 2009 to February 6, 2009. The Court granted the parties' request, but ordered Mr. Presniakov, Mr. Wysocki, and a client representative of Retail Distributors LLC to appear on that date.

On February 6, 2009, the Court held the status conference. Mr. Presniakov did appear in person, but was late. Because the Court received conflicting explanations as to when Mr. Presniakov was notified of his obligation to appear in person, the Court ordered Mr. Presniakov's counsel to file a declaration by February 13, 2009, setting forth an explanation of exactly when Mr. Presniakov was informed of his obligation to appear at the status conference.

Counsel for Plaintiff failed to file a declaration in a timely fashion, and on February 18, 2009, the Court issued an Order to Show Cause as to why Plaintiff's counsel should not be held in contempt for failing to comply with the filing deadline. On March 2, 2009, the Court discharged the Order to Show Cause regarding contempt, but imposed sanctions on Plaintiff's counsel in the amount of \$1,000. Pursuant to the Court's Order, that sanction was due to be

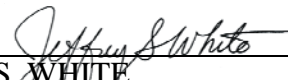
1 paid within ten days of the date of the Order, or by no later than March 16, 2009. This Court  
2 has been informed that the sanction has not yet been paid. Indeed, to date it appears that the  
3 sanction remains unpaid.

4 On March 20, 2009, the Court ordered Mr. Downing to show cause why he should not  
5 be held in civil contempt for failure to pay the sanctions required by this Court's March 2, 2009  
6 Order. Mr. Downing's response was due by March 27, 2009, and the matter was set down for  
7 hearing on April 3, 2009 at 1:30 p.m. On March 27, 2009, Mr. Downing filed his response to  
8 the Court's Order to Show Cause, and at the hearing on April 3, 2009, the Court referred the  
9 matter to the Office of the United States Attorney for purposes of determining whether criminal  
10 contempt proceedings were warranted. The parties thereafter appeared on May 7, 2009. The  
11 Office of the United States Attorney determined that no criminal charges would be filed, and  
12 Mr. Downing was ordered to file a further response to the Order to Show Cause by 4:00 p.m. on  
13 May 18, 2009. At 5:08 p.m., Mr. Downing filed his further response, and the Court has had the  
14 matter under submission since that time.

15 Having considered Mr. Downing's further response and the record in this case, the Court  
16 HEREBY ORDERS Mr. Downing to self-report to the State Bar of California regarding the  
17 violations of this Court's Orders and the \$1,000 sanction imposed on March 2, 2009, for  
18 purposes of determining whether counsel has violated provisions of California Rules of  
19 Professional Conduct and the State Bar Act. It is FURTHER ORDERED that Mr. Downing  
20 shall submit copies of all relevant orders and transcripts with his submission to the State Bar,  
21 and his submission shall be due by no later than July 2, 2009. Mr. Downing shall certify to this  
22 Court by no later than July 9, 2009, that he has complied with this Order.

23 **IT IS SO ORDERED.**

24 Dated: June 12, 2009

  
25 \_\_\_\_\_  
26 JEFFREY S. WHITE  
27 UNITED STATES DISTRICT JUDGE  
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